

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL SPECIAL MEETING HELD ON  
MONDAY, SEPTEMBER 10, 2018 AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS**

**MAYOR:** Tonita Gurulé-Girón

**COUNCILORS:** Vincent Howell  
David A. Ulibarri, Jr.  
David G. Romero  
Barbara A. Casey

**ALSO PRESENT:** Ann Marie Gallegos, Interim City Manager  
Casandra Fresquez, City Clerk  
Danelle Smith, Acting City Attorney  
Chris Lopez, Sergeant at Arms

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

Councilor Casey asked for everyone to remember those on the anniversary of 911, who lost their lives in New York City and first responders who ran towards the towers to save people. She asked that everyone remember and thank our own first responders as they do an excellent job taking care of the people of our community and asked God to guide them and keep them safe while doing so.

**APPROVAL OF AGENDA**

Councilor Howell asked to make an amendment to the agenda, moving Executive Session before Business Items, to discuss personnel matters as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, NMSA 1978.

Mayor Gurulé-Girón asked Councilor Howell for specific details as to why they would be going into Executive Session.

Councilor Howell advised, to discuss both candidates and all that was inclusive.

Mayor Gurulé-Girón asked Acting City Attorney, Danelle Smith if that was acceptable.

Danelle Smith advised that it was allowed to discuss limited personnel matters under the Open Meetings Act when considering hiring someone and added that the actual vote had to be in open session.

Councilor Howell clarified that it would be to discuss general matters, any contract issues and also to discuss the candidates who were present.

Mayor Gurulé-Girón stated that it was not a limited matter, that general matter would open it up for discussion, she stated that she did not agree with that and asked for the advice of the attorney.

Danelle Smith advised as she read from the Attorney General's booklet, in regards to the Open Meetings Act ,which stated that limited personnel matters meant, *"the discussion of hiring, promotion, demotion or consideration of complaints or charges providing that this section is not to be construed as to exempt final actions on personnel from being taken at open public meetings"*.

Mayor Gurulé-Girón stated there was already a motion and asked for a second motion.

Councilor Romero seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Barbara A. Casey	Yes	Vincent Howell	Yes
David A. Ulibarri, Jr.	Yes	David G. Romero	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

Councilor Howell made a motion to approve the agenda as amended. Councilor Romero seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:



David A. Ulibarri, Jr.	Yes	Vincent Howell	Yes
Barbara A. Casey	Yes	David G. Romero	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

### **PUBLIC INPUT**

Interim City Manager Ann Marie Gallegos advised that no one had signed up for Public Input.

### **EXECUTIVE SESSION**

Councilor Howell made a motion to go into Executive Session to discuss personnel matters , as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, NMSA 1978. Councilor Romero mentioned that the limited matters would be questions that would be related to the employees and seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Barbara A. Casey	Yes
Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

Councilor Howell made a motion to reconvene into Regular Session and advised that no decisions were made. Councilor Romero seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Vincent Howell	Yes
Barbara A. Casey	Yes	David G. Romero	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

### **BUSINESS ITEMS**

1. Confirmation to appoint Esther Garduno Montoya, City Attorney.

Mayor Tonita Gurulé-Girón advised that as per City of Las Vegas Municipal Charter, Article V, Officers, Directors and Employees, Section 5.04. City Attorney. The Mayor shall appoint the City Attorney, subject to the Council approval. The Governing Body shall enter into a contract with the City Attorney shall establish, among other matters, compensation, benefits, duties and responsibilities.

Councilor Casey had a question regarding the discussion of the contract.

Mayor Gurulé-Girón stated that regarding the changes to the contract, the confirmation first needed to take place then the City Attorney would read the changes into the record.

Danelle Smith suggested that the motion should be to confirm the appointment and to approve the amended contract, advised that it would be reviewed by the candidate and stated that in essence would be an offer to the employee.

Councilor Ulibarri, Jr. made a motion to confirm the appointment of Esther Garduno Montoya as City Attorney and approve the amended contract. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Barbara A. Casey	Yes	David G. Romero	No
Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

## 2. Confirmation to appoint Jerry Delgado, Police Chief.

Mayor Tonita Gurulé-Girón advised that as per City of Las Vegas Municipal Charter, Article V, Officers, Directors and Employees, Section 5.06. Chief of Police. The Mayor shall appoint the Chief of Police, subject to Council approval. The Governing Body shall enter into a contract with the Chief of Police which shall establish, among other matters, compensation, benefits, duties and responsibilities.

Councilor Howell made a motion to confirm the appointment of Jerry Delgado as Police Chief and approve the amended contract. Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:



David A. Ulibarri, Jr.	Yes	David G. Romero	No
Barbara A. Casey	No	Vincent Howell	Yes

City Clerk Fresquez re-read the motion and advised that there was a tie.

Mayor Gurulé-Girón voted yes and broke the tie.

City Clerk Fresquez advised that the motion carried.

Councilor Romero stated that the reason he voted no, was due to having concerns regarding the contract although advised he was ready to work with the new appointees and offered his congratulations.

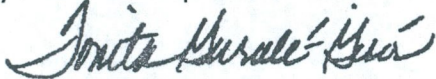
Mayor Gurulé-Girón congratulated Ms. Garduno Montoya and Mr. Delgado and thanked everyone for their support.

### ADJOURN

Councilor Ulibarri, Jr. made a motion to adjourn. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

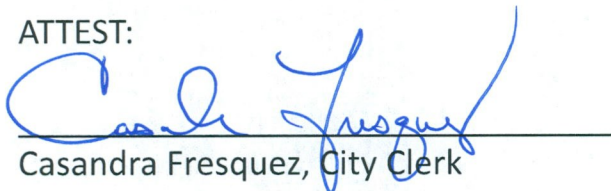
Barbara A. Casey	Yes	David G. Romero	Yes
Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.



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Mayor Tonita Gurulé-Girón

ATTEST:



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Casandra Fresquez, City Clerk